

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

C&J Associates Pest Control,

CURTIS DUNCAN

Plaintiff,

VS.

CV-06-884-MEF

BOB RILEY DRAYTON NABERS JAMES MAIN TROY KING KATHY SAWYER COURTNEY TARVER JUNE LYNN JUDY COBB **RAY BRESSLER** JOHN BLOCH JOE DEBROW **BRUCE ALVERSON** LINDA SHELTON KNOX PEST CONTROL et al. **DEFENDANTS**

PLAINTIFF MOTION FOR THE MAGISTRATE JUDGE TO RECONSIDER HIS ORDER THAT PLAINTIFF COMPANY IS A CORPORATION AND FOR PLAINTIFF TO SECURE A LICENSED ATTORNEY

Comes now Plaintiff Curtis Duncan, Sole Proprietor/Owner of C & J Associates Pest Control requests that your Honor reconsider his order that Plaintiff company is a corporation and for Plaintiff to secure a licensed attorney by November 29, 2006. Plaintiff respectfully questions were in the Complaint does your Honor interpret that the Plaintiff company is corporation? Where in the Complaint does "sole proprietor of the corporation" appear? Plaintiff never represented himself as a lawyer; Plaintiff

identified himself as the Sole Proprietor of his company and was representing himself Pro Se. It appears that your Honor assumed Plaintiff Company was a corporation or used some information outside reading of the Complaint.

Plaintiff has a statutory right as Pro Se under 28 U.S.C. 1654 to Self-Representation in Federal Courts. A party to a civil action in Federal Court has the right to appear Pro Se. The right to self representation "is a high standing, not simply a practice to be honored or dishonored by a Court depending on its assessment of the desiderata of as particular case". Implicit in the right to self-representation is an obligation on part of the Court to make reasonable allowances to protect Pro Se litigants from inadvertent and forfeiture of important rights because of their lack of legal training. While the right "does not exempt a party from compliance with the relevant rules of procedural and substantive law," it should not be impaired by harsh application of technical rules. Trial Courts have been directed to read Pro Se papers liberally, and allow amendment of Pro Se complaints "fairly and freely". Plaintiff submits the following case to support his motion, Traguth v. Zuck, Cite as 710 F.2d 90 (1983). Plaintiff is the Sole-Proprietor/Owner of his company, Curtis Duncan and C & J Associates Pest Control is one entity, this entitles Plaintiff to Self-Representation under 28 U.S.C. 1654 Pro Se.

Plaintiff now submits the following as irrefutable evidence that Curtis Duncan is Sole Proprietor of C & J Associates Pest Control. Copy of Schedule C (Form 1040) Profit or Loss from Business (Sole Proprietorship) and Schedule SE (Form 1040) Self-Employment Tax. Copy of City Business License.

Wherefore, premises considered, the Plaintiff respectfully request your Honor reconsider his Order that Plaintiff is a corporation and that Plaintiff shall secure representation by a licensed attorney by November 29, 2006. Plaintiff requests that your Honor issue a new Order which is in compliance 28 that Curtis Duncan is Sole Proprietor/Owner of C & J Associates Pest Control and can represent himself Pro Se.

Respectfully submitted,

Curtis Duncan Plaintiff, Pro Se

C&J Associates, Pest Control

P.O. Box 8186

Montgomery, AL 36110

Phone: 334-467-6432

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2006, I have served a true correct copy of the above and foregoing by first class, United States mail, properly address and postage prepaid, or hand delivered on defendants as follow:

Scott L. Rouse Office of the Governor 600 Dexter Avenue Montgomery, Alabama 36130 334-2427120 Phone 334-242-2335 Fax

Richard Cater, Esq. State Finance Department State Capitol 600 Dexter Avenue Montgomery, Alabama 36130

Bill Garrett, Esq. Ben Albritton, Esq. Office of the Attorney General 11 South Union Street Montgomery, Alabama 36130

Robert Russell Alabama Dept. of Agriculture & Industries 1445 Federal Drive Montgomery, Alabama 36107-1123 334-240-7118 Phone 334-240-7192 Fax

Curtis Dunear 11-29-06

Robin Garrett Laurie, Esq. Griffin Lane Knight, Esq. Balch & Bingham Po Box 78 Montgomery, Alabama 36101

William Leonard Tucker, Esq. Page Scranton Sprouse PO Box 1199 Columbus, Georgia 31902

Bruce Alverson 5741 Vendome Drive South Mobile, Alabama 36609

> **Curtis Duncan** Plaintiff, Pro Se

Self-Employment Tax

OMB No. 1545-0074

Sequence No.17 Hachment

Department of the Treasury Internal Revenue Service (99) Name of person with self-employment income (as shown on Form 1040)

➤ Attach to Form 1040. ➤ See Instructions for Schedule SE (Form 1040).

Social security number of person with self-employment income >

CURTIS T DUNCAN

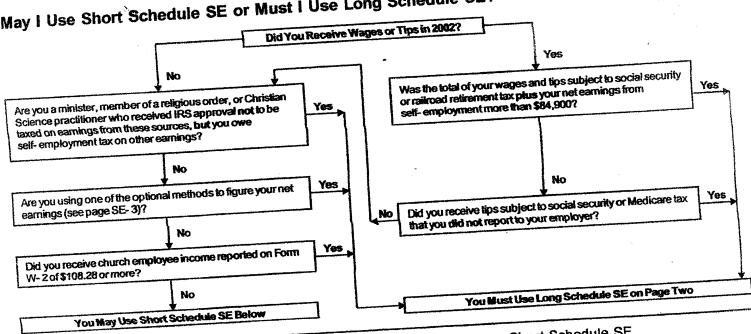
Who Must File Schedule SE

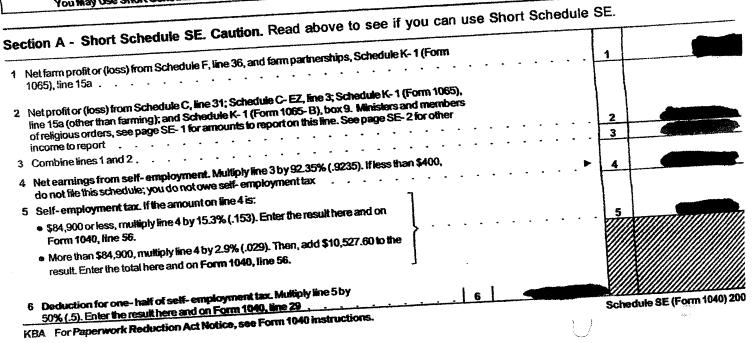
- You had net earnings from self- employment from other than church employee income (line 4 of Short Schedule SE or line 4c of
- You had church employee income of \$108.28 or more. Income from services you performed as a minister or a member of a religious order is not church employee income. See page SE-1.

Note. Even if you had a loss or a small amount of income from self- employment, it may be to your benefit to file Schedule SE and use either "optional method" in Part II of Long Schedule SE. See page SE-3.

Exception. If your only self- employment income was from earnings as a minister, member of a religious order, or Christian Science practitioner and you filed Form 4361 and received IRS approval not to be taxed on those earnings, do not file Schedule SE. Instead, write "Exempt- Form 4361" on Form 1040, line 56.

May I Use Short Schedule SE or Must I Use Long Schedule SE?





-MEF-WC Document 38 Filed 11/29/2006 Profit or Loss From Business Case 2:06-cv-00884-MEF-WC

5	OMB No 1545-0074
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(Sole Proprietorship) ➤ Partnerships, joint ventures, etc., must file Form 1065 or 1065-B. SCHEDULE C ➤ See Instructions for Schedule C (Form 1040) Social security number (SSN) (Form 1040) ► Attach to Form 1040 or 1041. B Enter code from pages C-7,8,&9 Internal Revenue Service Principal business or profession, including product or service (see page C-1 of the instructions) Name of proprietor **▶** 561710 CURTIS T DUNCAN D Employer ID number (EIN), if any PEST CONTROL : SERVICE Business name. If no separate business name, leave blank. Business address (including suite or room no.) ▶ P O BOX 8186 C AL 36110 X Yes Other (specify) City, town or post office, state, and ZIP code Did you "materially participate" in the operation of this business during 2002? If "No," see page C-3 for limit on losses F If you started or acquired this business during 2002, check here G Gross receipts or sales. Caution. If this income was reported to you on Form W-2 and the "Statutory Part I Income employee" box on that form was checked, see page C-3 and check here. 2 3 Relums and allowances . . . 4 2 Subtract line 2 from line 1 Cost of goods sold (from line 42 on page 2) . 3 5 4 6 Gross profit. Subtract line 4 from line 3 Other income, including Federal and state gasoline or fuel tax credit or refund (see page C-3). 7 5 Part II Expenses. Enter expenses for business use of your home only on line 30. Pension and profit-sharing plans 19 Rent or lease (see page C-5): Vehicles, machinery, and equipment 20a Advertising . 20b Other business property. Bad debts from sales or 9 21 services (see page C-3) Repairs and maintenance Supplies (not included in Part III) 22 21 Car and truck expenses 10 23 22 10 Taxes and licenses . . . (see page C-3) · · 11 Travel, meals, and entertainment: 23 Commissions and fees 11 12 **24a** 24 Depletion . Travel . 12 Depreciation and section 179 Meals and expense deduction (not included 13 entertainment 13 in Part III) (see page C-4). Enter nondeduct-Employee benefit programs ible amount included on line (other than on line 19). 14 24b (see pg. C-5) 15 Insurance (other than health). Subtract line 24c from line 24b **24d** 15 đ 25 Interest Utilities 16 16a Mortgage (paid to banks, etc.) 26 25 Wages (less employment credits) 16b а 26 Other expenses (from line 48 on Other b 27 Legal and professional page 2) 17 28 17 Total expenses before expenses for business use of home. Add lines 8 through 27 in columns. 18 29 28 Tentative profit (loss). Subtract line 28 from line 7 30 Expenses for business use of your home. Attach Form 8829 . . 29 If a profit, enter on Form 1040, line 12, and also on Schedule SE, line 2 (statutory employees, Net profit or (loss). Subtract line 30 from line 29. 30 31 see page C-6). Estates and trusts, enter on Form 1041, line 3. **All investment is at** risk If you have a loss, check the box that describes your investment in this activity (see page C-6). 32a Some investment is no • If you checked 32a, enter the loss on Form 1040, line 12, and also on Schedule SE, line 2 32b (statutory employees, see page C-6). Estates and trusts, enter on Form 1041, line 3. at risk. Schedule C (Form 1040) 200 If you checked 32b, you must attach Form 6198.

Self-Employment Tax

► See Instructions for Schedule SE (Form 1040).

➤ Attach to Form 1040.

Department of the Treasury Internal Revenue Service (99) Name of person with self-employment income (as shown on Form 1040) CURTIS T DUNCAN

Social security number of person with self-employment income



Who Must File Schedule SE

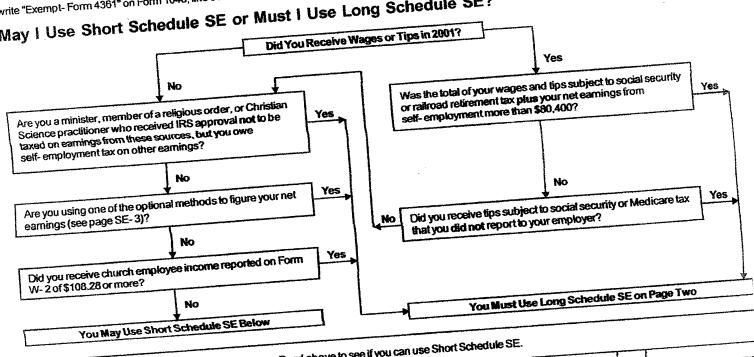
(Form 1040)

- You had net earnings from self- employment from other than church employee income (line 4 of Short Schedule SE or line 4c of You must file Schedule SE if:
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Note. Even if you had a loss or a small amount of income from self- employment, it may be to your benefit to file Schedule SE and

Exception. If your only self- employment income was from earnings as a minister, member of a religious order, or Christian Science use either "optional method" in Part II of Long Schedule SE. See page SE- 3. practitioner and you filed Form 4361 and received IRS approval not to be taxed on those earnings, do not file Schedule SE. Instead, write "Exempt-Form 4361" on Form 1040, line 53.

May I Use Short Schedule SE or Must I Use Long Schedule SE?



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You May Use Short Schedule SE Below	
Section A - Short Schedule SE. Caution. Read above to see if you can use Short Schedule SE.	
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 Section A - Short Schedule SE. Caudents Net farm profit or (loss) from Schedule F, line 36, and farm partnerships, Schedule K-1 (Form 1065), line 15a Net profit or (loss) from Schedule C, line 31; Schedule C-EZ, line 3; Schedule K-1 (Form 1065). Net profit or (loss) from Schedule K-1 (Form 1065-B), box 9. Ministers and members 	
of religious orders, see page SE-1 for amounts to report on this time. See page	3
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Form 1040, line 53. More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,969.00 to the More than \$80,400, multiply line 4 by 2.9% (.029). Then, add \$9,960, multiply line 4 by 2.9% (.029). Then, add \$9,960, multiply line 4 by 2.9% (.029). Th	
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profit or Loss Promise	Attachment 09
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CHEDULE SE Case 2:06-cv-00884-MEFSelf- Eropleyment 3 Tax Filed 11/29/2006

Form 1040)

► See Instructions for Schedule SE (Form 1040).

➤ Attach to Form 1040.

epartment of the Treasury nternal Revenue Service (99) Name of person with self-employment income (as shown on Form 1040) CURTIS T DUNCAN

Social security number of person with self-employment income



Who Must File Schedule SE

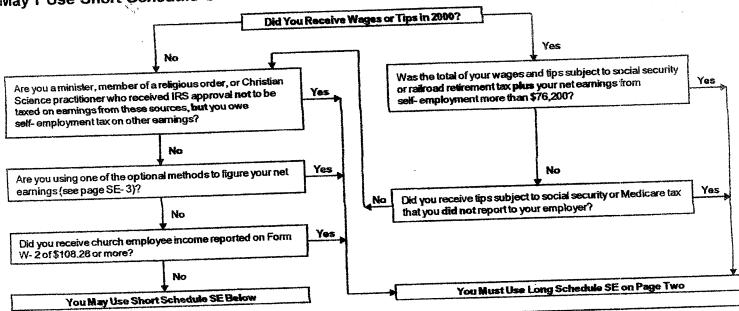
You must file Schedule SE if:

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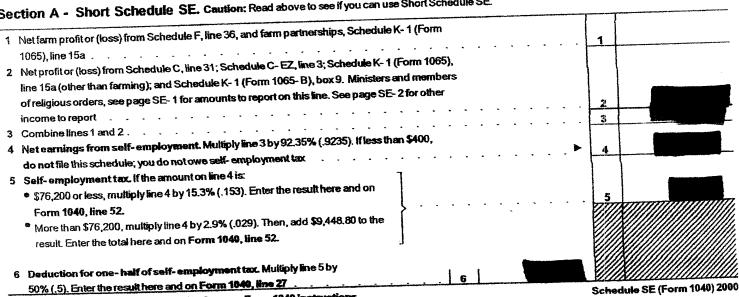
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May I Use Short Schedule SE or Must I Use Long Schedule SE?



Section A - Short Schedule SE. Caution: Read above to see if you can use Short Schedule SE.



Case 2:06-cv-00884-Plativoc Loss From Business Filed 11/29/2006

(Sole Proprietorship)

Page 100010

OMB No. 1545-0074

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erships, joint ventures, etc., must file Form 1965 or Form 1965-B.

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APPLICATION FOR LICENSE, CITY OF MONTGOMERY, ALABAMA

LICENSE TAXES ARE DUE AND PAYABLE JANUARY 1ST AND DELINQUENT AFTER FEBRUARY 1ST. FOR TIMELY MAIL PAYMENT, MUST BE POST-MARKED ON OR BEFORE JANUARY 31ST.

MAILING NAME AND ADDRESS

LOCAL TRADE NAME AND PHYSICAL LOCATION

AND JUASSOCIATES PLST CONTROL CV18 MCYDIAH 4555 o 6 20x 8136 36119 UDNITGONERY AL

AND J ASSOCIATES POST COUTROL

NPL

00000

PLEASE COMPLETE THIS FORM AND MAIL WITH YOUR REMIT-TANCE TO:

CITY OF MONTGOMERY COMPASS BANK P.O. BOX 830469 BIRMINGHAM, AL 35283-0469 DELINQUENT PENALTY

AFTER FEB 1 - 10% AFTER MAR 1 - 20% DD. 1% EACH MONTH THEREAFTER

NOTE: AN ISSUANCE FEE OF FIVE DOLLARS I CHARGED FOR EACH TYPE LICENSE ISSUED. INCLUDE WITH REMITTANCE.

NOTE: IF FISCAL YEAR IS USED IN COMPUTAT INDICATE MONTHS:

_THROUGH__

READ INSTRUCTIONS CAREFULLY ON REVERSE SIDE PRIOR TO COMPLETING APPLICATION. YOU WILL RECEIVE YOUR LICENSE BY MAIL

ACCOUNT NUMBER	·	GROSS RECEIPTS	SCH	AMOUNT OF LICENSE		\$
1348358	TYPE OF LICENSE	- 4	0.7	\$		\$
TYTES MEMATOR		\$	20	\$	+	\$
LA THE WALL AND THE	35 2108FF 19	\$	50	\$		\$ 3
THE COLL TO THE STATE OF	AREA	\$	1	\$		\$
0000		\$	1	\$		\$
THANK TO JO		\$	+	\$		\s\ \s
		\$	+	\$		\$
		\$	+	\$		10
		\$	-	\$		10
		\$		\$		\$
				TOTAL AMOUNT	DUE	\$
				DRMATION CONTAINED HERI		4

Make checks payable to: CITY OF MONTGOMERY

If the word "deposit" appears on this form, please call our office at 334-241-2036 after Dec. 31st for assistance in computation.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

NAME(S) OF OWNER(S) OR OFFICERS AND TITLE IF CORPORATION:

NAME OF LOCAL MANAGER IF OWNER IS LOCATED OUTSIDE MONTGOMERY:

LOCAL TELEPHONE NUMBER:

KNOWLEDGE.

Signature

cj_ one @ mon. dem

E-MAIL ADDRESS

1: 1 L

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CITY400

Page 1 03/29/06 09:39:51

Display Device : KHOLMES2

User KHOLMES

Business License History Inquiry BL600ID

3/29/06

ACCT# 7340858 Status P Lic# 14837 Year 2005 Receipt 14837 Paid 04 27 2005

Owner1 CURTIS DUNCAN

Contact

Owner2

BUSI (334) 317-3903

(000) 000-0000

Sales tax ID

Tax Name

email

Mailing Info

Name C AND J ASSOCIATES PEST CONTROL

Address 2224 HALCYON BLVD

Address2 P O BOX 8186

City/St MONTGOMERY AL

Zip 36110

Location Info

Name C AND J ASSOCIATES PEST CONTROL

Address2 NPL

Address 0 City

Zip 00000

Area

F3 exit

F5 next account F8 next receipt

CITY400

Page 1

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03/29/06 09:39:38

Display Device : KHOLMES2

. . . : KHOLMES

BL600ID Business License History Inquiry 3/29/06

Acct# 7340858 Status P Lic# 10703 Year 2004 Receipt 10703 Paid 02 09 2004

Owner1 CURTIS DUNCAN

Contact

Owner2

BUSI (334) 317-3903

(000) 000-0000

Sales tax ID

Tax Name

email

Mailing Info

Name C AND J ASSOCIATES PEST CONTROL

Address 2224 HALCYON BLVD City/St MONTGOMERY AL

Address2 P O BOX 8186

Zip 36110

Location Info

Name C AND J ASSOCIATES PEST CONTROL

Address 0 Address2 NPL

City Zip 00000

Area

F3 exit

F5 next account

F8 next receipt

CITY400

Page 1

5722SS1 V5R3M0 040528

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Display Device : KHOLMES2

User KHOLMES

Business License History Inquiry

3/29/06

Acct# 7340858 Status P Lic# 7309 Year 2003 Receipt 7309 Paid 01 31 2003

Owner1 CURTIS DUNCAN

Contact

Owner2

BL600ID

BUSI (334) 317-3903

(000) 000-0000

Sales tax ID

Tax Name

email

City

Mailing Info

Name C AND J ASSOCIATES PEST CONTROL

Address 2224 HALCYON BLVD City/St MONTGOMERY AL

Address2 P O BOX 8186

Zip 36110

Location Info

Name C AND J ASSOCIATES PEST CONTROL

Address 0

Address2 NPL

Zip 00000

Area

F3 exit

F5 next account F8 next receipt

CITY400

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Display Device : KHOLMES2 User KHOLMES

Business License History Inquiry BL600ID

3/29/06

Page 1

ACCT# 7340858 Status P Lic# 7137 Year 2002 Receipt 7137 Paid 01 30 2002

Owner1 CURTIS DUNCAN

Contact

Owner2

BUSI (334) 317-3903

(000) 000-0000

Sales tax ID

Tax Name

email

Mailing Info

Name C AND J ASSOCIATES PEST CONTROL

Address 3485 OLD SELMA RD City/St MONTGOMERY AL

Address2 P O BOX 8186

Zip 36110

Location Info

Name C AND J ASSOCIATES PEST CONTROL

Address2 NPL

Address 0 City

Zip 00000

Area

F3 exit F5 next account F8 next receipt

CITY400

Page 1 09:39:09 03/29/06

Display Device : KHOLMES2

User : KHOLMES

BL600ID

Business License History Inquiry

3/29/06

Acct# 7340858 Status P Lic# 8157 Year 2001 Receipt 8157 Paid 02 05 2001

Owner1 CURTIS DUNCAN

5722SS1 V5R3M0 040528

Contact

Owner2

(334) 317-3903 BUSI

(000) 000-0000

Sales tax ID

Tax Name

email

Mailing Info

Name C AND J ASSOCIATES PEST CONTROL

Address 3485 OLD SELMA RD City/St MONTGOMERY AL

Address2 P O BOX 8186

Zip 36110

Location Info

Name C AND J ASSOCIATES PEST CONTROL

Address 0

Address2 NPL

City

Zip 00000

Area

F3 exit

F5 next account F8 next receipt

CITY400

Page 1 03/29/06 09:38:45

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Display Device : KHOLMES2

User KHOLMES

Business License History Inquiry

3/29/06

Acct# 7340858 Status P Lic# 12009 Year 2000 Receipt 12009 Paid 02 23 2000

Owner1 CURTIS DUNCAN

Contact

Owner2

BUSI

(334) 317-3903 (000) 000-0000

Sales tax ID

BL600ID

Tax Name

email

Mailing Info

Name C AND J ASSOCIATES PEST CONTROL

Address2 P O BOX 8186

Address 3485 OLD SELMA RD City/St MONTGOMERY AL

Zip 36110

Location Info

Name C AND J ASSOCIATES PEST CONTROL

Address 0

Address2 NPL

City

Zip 00000

Area

F3 exit F5 next account F8 next receipt